

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of DA’KARI DAQUAN PHILLIPS,
Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

DAVID DARNELL PHILLIPS,

Respondent-Appellant,

and

TRANIQUE LASHAWN CHATMAN,

Respondent.

UNPUBLISHED

July 9, 2009

No. 289245

Oakland Circuit Court

Family Division

LC No. 07-730904-NA

Before: Owens, P. J., and Servitto, and Gleicher, JJ.

MEMORANDUM.

Respondent David Darnell Phillips appeals as of right from an order terminating his parental rights to Da’Kari Daquan Phillips under MCL 712A.19b(3)(g), (h), and (j). We affirm.

Respondent made a plea of admission to allegations that established statutory grounds for termination of his parental rights. On appeal, respondent argues that the trial court erred in finding that termination of his parental rights was in Da’Kari’s best interests. Once a statutory ground for termination of parental rights is established, the court must terminate if it finds that termination of parental rights is in the child’s best interests. MCL 712A.19b(5). This Court reviews a trial court’s findings regarding a child’s best interests for clear error. *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). A finding is clearly erroneous if, although there is evidence to support it, this Court is left with a definite and firm conviction that a mistake has been made. *In re JK*, 468 Mich 202, 209-210; 661 NW2d 216 (2003).

Here, there was evidence that respondent was in prison when Da’Kari was born and that he remained in prison until Da’Kari was approximately two years old. The evidence showed that respondent consistently visited Da’Kari and was in substantial compliance with the treatment plan after he was released from prison. However, respondent re-offended just five months after

being released, and he was sentenced to a new prison term of seven to 22 years. His earliest release date was in April 2015, when Da’Kari will be ten years old. Thus, while respondent-appellant may have created a bond with Da’Kari in the five months he was out of prison, the trial court reasonably concluded that the bond deteriorated after respondent was sent back to prison. Furthermore, respondent’s continued criminal activity demonstrated that he did not benefit from the parenting class he took in prison after Da’Kari’s birth or the services he received under the treatment plan. As noted by the court, Da’Kari needs permanence and stability and should not be made to wait in foster care a minimum of seven years to see if respondent will be released from prison and be ready to care for him.

On the basis of this evidence, we find no clear error in the trial court’s finding that termination of respondent’s parental rights was in Da’Kari’s best interest. Moreover, we find no evidence of bias against respondent’s family with respect to Da’Kari’s placement. The placement of Da’Kari was based on the child’s best interests.

Affirmed.

/s/ Donald S. Owens
/s/ Deborah A. Servitto
/s/ Elizabeth L. Gleicher